COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Meeting of April 26, 2012 9:00 a.m. Council Chamber 8th Floor, Kalana O Maui Building 200 South High Street, Wailuku, Hawaii

website: http://www.mauicounty.gov/county/clerkSub/Agenda.php.

e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

Α.	ROLL CALL
В.	OPENING REMARKS: COUNCILMEMBER ELLE COCHRAN
C.	PLEDGE OF ALLEGIANCE
D.	TESTIMONY ON CEREMONIAL RESOLUTIONS
E.	CEREMONIAL RESOLUTIONS:
	NO "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE KAHU CHARLES KAULUWEHI MAXWELL, SR."
	NO "CONGRATULATING THE LATE BROTHERS ERNEST AND FREDERICK TAVARES FOR RECEIVING, POSTHUMOUSLY, THE NA HOKU HANOHANO

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 12-49 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the Fiscal Year 2013 Proposed Annual Operating Budget for the Hawaii State Association of Counties.

NO. <u>12-50</u> - <u>POLICY COMMITTEE</u>:

Recommending the following:

- 1. **ADOPTION** of resolution approving the appointments of Michael Lopez and Garrett Hera to the Lanai Planning Commission, for terms expiring on March 31, 2017; and
- 2. **ADOPTION** of resolution approving the appointment of Bernard Despins to the Liquor Control Adjudication Board, for a term expiring on March 31, 2017.

NO. 12-51 - POLICY COMMITTEE:

Recommending the following:

- ADOPTION of resolution proposing an alternative amendment to the Revised Charter of the County of Maui (1983), as amended, relating to County Council term limits (alternative to Proposal One in the Charter Commission's Final Report, dated March 30, 2012);
- 2. **ADOPTION** of resolution proposing an alternative amendment to the Revised Charter of the County of Maui (1983), as amended, to establish an Office of the County Auditor (alternative to Proposal Three in the Charter Commission's Final Report, dated March 30, 2012):
- 3. That, with reference to the 11 proposals in the Charter Commission's Final Report, dated March 30, 2012, the Charter Commission is encouraged to **CONSIDER** the following:
 - a. Place Proposal Seven, relating to County Council residency requirements, on the next general-election ballot;
 - b. Place Proposal Eleven, relating to the preamble, on the next general-election ballot;

H. COMMITTEE REPORTS (continued):

- c. Delete Proposal Two, relating to shoreline and ocean rescue and safety;
- d. Delete Proposal Four, relating to interactive communications access;
- e. Delete Proposal Five, relating to publication of Charter amendments:
- f. Delete Proposal Six, relating to defense and indemnification of board members;
- g. Delete Proposal Eight, relating to residency requirements of the Mayor;
- h. Delete Proposal Nine, relating to the addition of sustainability to the Director of Environmental Management's functions; and
- i. Delete Proposal Ten, relating to consistency in the process for the four specified commissions;
- 4. **TRANSMITTAL** of a copy of the committee report to the Charter Commission as the recommendations of the Council; and
- 5. **AUTHORIZE** the Council Chair to transmit any further comments and recommendations of the Council to the Charter Commission.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 12-77 DIRECTOR OF FINANCE, transmitting the Fiscal Year 2012-2013 certification of the net taxable real property value within the County of Maui.
- NO. 12-78 DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended March 2012.
- NO. <u>12-79</u> <u>PLANNING DIRECTOR AND DIRECTOR OF PUBLIC WORKS</u>, transmitting the following proposed bills entitled:
 - 1. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3760, RELATING TO TITLE 18, SUBDIVISION GENERAL PROVISIONS TO DELETE THE SUNSET PROVISION OF ORDINANCE NO. 3760"; and
 - 2. "A BILL FOR AN ORDINANCE AMENDING SECTION 18.04.030, MAUI COUNTY CODE, RELATING TO SUBDIVISIONS".

1. <u>COUNTY COMMUNICATIONS (continued)</u>:

NO. 12-80 - COUNCIL CHAIR MATEO, transmitting a letter from Charles Jencks, Honua`ula Partners, LLC, submitting an annual compliance report in accordance with Condition 29 of Ordinance No. 3554, establishing Kihei-Makena Project District 9 (Wailea 670) Conditional zoning for approximately 670 acres situated at Paehu, Palauea, Keauhou, Hawaii. (Honua`ula Project).

NO. 12-81 - CHIEF OF POLICE, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH HAWAII AIR NATIONAL GUARD, THE 292ND COMBAT COMMUNICATIONS SQUADRON, REGARDING THE USE OF THE UKUMEHAME FIRING RANGE FOR ANNUAL MILITARY SMALL ARMS TRAINING AND CERTIFICATION".

GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 31 (2012) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2012, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND, PAUKUKALO COASTAL WETLANDS/KA`EHU BAY"

BILL NO. 32 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012
BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO
ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN
AREA, GOVERNMENT FACILITIES, WAIKAPU FIRE WAREHOUSE;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS;
AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL
IMPROVEMENT PROJECTS)"

BILL NO. 33 (2012) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3837, BILL NO. 31 (2011), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIKAPU FIRE WAREHOUSE)"

K. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 34 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012
BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO
ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT - SOLID WASTE OPERATIONS PROGRAM SOLID WASTE MANAGEMENT FUND; TOTAL OPERATING
APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING
AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 36 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE AIR FORCE RESEARCH LABORATORY; MAUI SPACE SURVEILLANCE COMPLEX"

BILL NO. 37 (2012) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3928 AND REPEALING ORDINANCE NO. 3903, RELATING TO THE BUILDING CODE"

L. <u>UNFINISHED BUSINESS</u>:

NONE.

NOTE:

ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.